

REMARKS

The Office Action mailed January 26, 2009, has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claim Objections

Claims 1-14 have been amended to obviate the objections raised in the Office Action. Specifically, the claims have been amended to change “emitting elements” to “ultrasound emitting elements” consistently throughout, each dependent claim has been amended to begin with “The transducer” rather than “Transducer,” and the British English spelling of “fibre” has been changed to the American English “fiber” (similarly with “characterised” in claim 1).

Rejection(s) Under 35 U.S.C. § 112, Second Paragraph

Claims 1-14 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 1-14 have been amended as necessary to more clearly recite the multiple ultrasound emitting elements. With regard to the ultrasound emitting elements being rigid and assembled to each other mechanically so as to form an articulated structure, Applicants respectfully submit that these features are not inconsistent, and attention is respectfully directed to for example page 10, lines 15-21 of the specification, wherein it is stated that the “ultrasonic emitter-receiver elements 2 forming a flexible assembly and [are] connected through elastic and flexible means 4 for this purpose. For example, these means 4 ... assure mechanical cohesion of elements 2 and flexible assembly of these elements...” With regard to claim 12, it is respectfully maintained that the term “blade” is in fact intended and is not a mistranslation from the original French of the priority document. (see for example page 11, lines 9-18 of the specification).

Rejection(s) Under 35 U.S.C. § 102

Claims 1-6 and 12-14 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Bolomey et al. (U.S. pat. no. 6,424,597; hereinafter, “Bolomey”). Applicants respectfully traverse.

Bolomey falls in the category of the prior art discussed in the background section of the specification, wherein it is explained that one shortcoming of the Bolomey arrangement is that it is not possible to keep an optimum coupling between the transducers and complex parts, particularly when these transducers are displaced on the surface of such parts. In Bolomey, nothing is provided to keep the elements in contact with the object that is being checked during displacements of the transducer during the check, and to assure coupling with the object. The fact that in the presently claimed invention the multiple elements of the transducer are rigid ultrasound emitting elements and are mechanically assembled to each other so as to form an articulated structure, leads to a simplified and improved coupling between the emitters and an increased reliability since this coupling is achieved even if one emitter adjacent another is defective. These claimed features are not disclosed or suggested by Bolomey either in the passages of col. 3, ll. 24-38, and in claims 1-3, cited in the Office Action, or in the reference as a whole, and for this reason at least, the invention of claims 1-14 is patentable over Bolomey.

It will be appreciated that, according to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102 only if each and every claim element is found, either expressly or inherently described, in a single prior art reference.¹ The aforementioned reasons clearly indicate the contrary, and withdrawal of the 35 U.S.C. § 102 rejection based on Bolomey is respectfully urged.

Rejection(s) Under 35 U.S.C. § 103(a)

Claims 7-11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bolomey as applied to claim 1-6 and 12-14, above, and further in view of Bjorner et al. (U.S. pat. no. 5,485,263; hereinafter, "Bjorner").

Claims 7-11 variously depend, directly or indirectly, from the base claims addressed above. Bjorner fails to remedy the above-mentioned shortcomings of Bolomey with respect to the base claims. Accordingly, claims 7-11, which by definition include all the limitations of the base claims, are patentable over the combination of these references.

¹ Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Conclusion


In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-3557.

Respectfully submitted,
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